

McDERMOTT, WILL & EMERY4370 La Jolla Village Drive
Seventh Floor
San Diego, CA 92122
858-535-9001**RECEIVED**
CENTRAL FAX CENTER

JUL 09 2004

Main Facsimile No. 858-597-1585
Facsimile Operator No. 858-643-1400**FACSIMILE****OFFICIAL**

Date: July 9, 2004

Time Sent:

TO:

Name	Company	Facsimile No. ⁵⁷¹⁻ or ²⁷³⁻	Contact No.
Examiner M. Zeman	United States PTO	(702) 872-9306 ⁰⁷²³	(571) 272-0723

FROM:

David A. Gay

Direct Phone: (858) 643-1411

E-Mail:

dgay@mwe.com

Sent By:

Carrie E. Casey

Direct Phone: (858) 643-1432

Client/Matter/Tkpr:

66661-028

Original Follow by Mail:

No

Number of Pages, Including Cover:

14

Re:

United States Patent Application No.: 09/823,850

Entitled: METHODS FOR DETERMINING THE TRUE
SIGNAL OF AN ANALYTE

Inventors: Ideker et al.

Filed: March 20, 2001

UW Ref.: 2478-3150-3814PT

Client-Matter No. 66661-028

MESSAGE:**CERTIFICATE OF FACSIMILE TRANSMISSION**I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on July 9, 2004.Jose R. Lopez, Jr.

Jose R. Lopez, Jr.

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately by telephone and return the original message to us at the above address by mail. Thank you.

**IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
FIRM RECEPTIONIST AT (858) 597-1585 AS SOON AS POSSIBLE.**

JUL 09 2004

OFFICE

Docket No.: 066661-0028

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE**

In re Application of	:	Customer Number: 41552
	:	
Ideker et al.	:	Confirmation Number: 7007
	:	
Serial No.: 09/823,850	:	Group Art Unit: 1631
	:	
Filed: March 30, 2001	:	Examiner: M. Zeman

For: TESTING FOR DIFFERENTIALLY-EXPRESSED GENES BY MAXIMUM
LIKELIHOOD ANALYSIS OF MICROARRAY DATA

RESPONSE TO ADVISORY ACTION

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on July 9, 2004.

Jose R. Lopez, Jr.
Jose R. Lopez, Jr.

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Advisory Action mailed June 23, 2004, as requested therein,
Applicant is providing the examiner with a complete copy of the response filed on
May 4, 2004. As indicated in the Action at page 2, a complete copy of the attached
papers would appear to obviate all rejections of record.

///

///

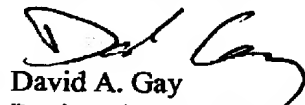
///

Serial No.: 09/823,850

Because a further copy of Applicant's response filed May 4, 2004, is being supplied at the Office's request and due to no fault of the Applicant, no extension of time is deemed necessary. However, to the extent required, Applicant hereby petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


David A. Gay
Registration No. 39,200

4370 La Jolla Village Drive, Suite 700
San Diego, CA 92122

858.535.9001 DAG:jrl
Facsimile: 858.597.1585
Date: June 9, 2004

RECEIVED
CENTRAL FAX CENTER

004/014

JUL 09 2004

PATENT

Client-Matter No.: 66661-028

RESPONSE UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1631**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Ideker et al.

Serial No.: 09/823,850

Filed: March 30, 2001

For: METHODS FOR DETERMINING
THE TRUE SIGNAL OF AN ANALYTE

Confirmation No.: 7007

Group Art Unit: 1631

Examiner: M. Zeman

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"EXPRESS MAIL" MAILING LABEL NUMBER: EV 400 552 628US
DATE OF DEPOSIT: May 4, 2004I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE
"EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE
UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS
ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450,
ALEXANDRIA, VIRGINIA 22313-1450.Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450Leand Bantades
Printed Name of Person Mailing Paper or Fee[Signature]
Signature of Person Mailing Paper or Fee

Sir:

RESPONSE TO OFFICE ACTION

Responsive to the Final Office Action mailed January 29, 2004, consideration of the following remarks is respectfully requested.

Remarks begin on page 2 of this paper.